

Food Handlers Letter

The New & Improved 2005 FDA Food Code

Federal regulations to some people are about as interesting as watching paint dry, but to a few of us food safety groupies, it's kind of a big event when the Food & Drug Administration releases a new version of the Food Code. If you are a food service manager or owner, it will eventually have some impact on your business when your local health inspector arrives to tell you if changes in the regulations have been made in your state. The Food Code is a model food safety guideline, now updated every 4 years (last full edition update was 2001), for retail food operations and institutions. It assists food protection jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry.

Website --The Food Code is available free of charge to download or print out from the Internet — several hundred pages. It consists of 8 chapters and 7 annexes of great bedtime reading. There is also a short summary of the changes on the FDA website. It's all located at the following site: <http://www.cfsan.fda.gov/~dms/fc05-toc.html>

To the FDA's credit, the 2005 Food Code is looked upon by most food science gurus as the most up-to-date federal food safety guidance. FDA wants to see the Food Code adopted by all states for more uniform regulations. It's an option for states to adopt, can take several years to get through state legislation and they usually tweak a few chapters. Even though our restaurants would like to have universal and do-able regulations from state to state, health departments don't always agree on the content even within a state. The local county or city health departments can also add more requirements, such as food worker training or manager certification. Sounds rather complicated, but most food service chains are glad to see states adopting the latest Food Code to provide them with a more uniform, science based body of regulations throughout their facilities that are located in multiple states. Their standard operating procedures for food safety are usually based on the most current version of the FDA Food Code.

Status of Adoption --To date, 48 of 56 States and territories representing 79% of the U.S. population have adopted some version of the FDA Food Code since the '93 edition, which was the first major update in 17 years. An interesting note is that a few of the more populous states have not actually adopted a version of the Food Code. In some states, retail grocery and restaurants are regulated by different agencies and both agencies have to legislate adoption of a new food code. The states that have not adopted the new generation FDA Food Code (but are in the rule making process) are: California, New York (Dept. of Health regulating restaurants), New Jersey, North Carolina, Kentucky, and Maryland. Only 15 states have adopted the 2001 Food Code, so as you can see, legislation on food safety is not at the speed of light. The Food Code status report website: <http://www.cfsan.fda.gov/~ear/fcadopt.html>

A Brief Summary of Major Food Code Changes –In this short article, all of the topic changes cannot be covered. Look at the website above to read more detail on the most important changes.

- **Several definition changes**, but the one of interest is for “potentially hazardous food” further defining science based methods to classify foods that require time/temperature controls for safety (TCS food) to limit growth of pathogenic microorganism or toxin formation. It describes the moisture level, acidity and required testing for certain perishable foods.
- **The Food Allergen Labeling & Consumer Protection Act (FALCPA)** is addressed requiring food labels to disclose ingredients that are the eight “major food allergens” (milk, egg, fish, shellfish, wheat, peanuts, tree nuts, or soy). The Food Code will provide guidelines and recommendations for preparing allergen-free foods.
- **Sliced/diced tomatoes and cut melons** are further defined as a potentially hazardous food (based on recent outbreaks).
- **Updated Employee Health** provisions to include better ways to protect public health, based on new science on pathogens that are most likely to be transmitted from an infected worker through food to consumers. Three factors must work together to help control foodborne illness caused by infected (sick) food employees: 1)Food managers & crew are responsible to report illness and restrict or exclude infected food employees; 2)Handwashing procedures have been updated; 3)No bare hand contact with ready-to-eat food is recommended and options for using bare hands are further defined.
- **The Handwashing Sequence** has been updated to include an additional provision to avoid recontamination of hands after handwashing. Use a paper towel or other barrier to avoid touching surfaces such as manual faucet handles or a restroom door handle.
- **Norovirus** was added to the list of easily transmissible illnesses that must be reported by the manager or person in charge to the regulatory authority. The other four reportable illnesses: Salmonella Typhi, E.coli 0157:H7, Shigella, or Hepatitis A virus.
- **Food Defense** is addressed in Annex 2 and recommends guidance from several sources. It includes specific information for school food service.
- **Date Marking of Foods** was amended to further define processed perishable foods that contain additives or natural ingredients to inhibit the growth of *Listeria monocytogenes* and allow longer shelf life before consuming, selling, or discarding. (Examples: certain types of hard & semi soft cheeses, deli salads from a food processor).

Bottom Line: *Knowing the FDA Food Code and state regulations that apply to your facility is a good thing for food service management to be aware of. It is the core regulation for food safety in the United States. FoodHandler has compiled information regarding food safety regulations in the U.S. Contact us if we can help you better understand the regulations at #800-338-4433, ext. 302 or 306 or email: sms@foodhandler.com.*

Note: The information provided herein is a summary of recent developments. It is not, nor is it intended to be a comprehensive survey of the regulations and rules that may impact your particular establishment. Please assess all applicable rules in light of your particular circumstances and applications or consult your local expert. This service is not intended to be compliance advice.

The foregoing is offered only to assist you in becoming informed and is not intended to nor does it constitute comprehensive foodsafety advice. Each operator is encouraged to develop a comprehensive food safety program

Food Code Tips

Facts about the 2005 Food Code

Our goal for writing these articles is to give you, the operator, a better understanding of the new 2005 FDA Food Code. For further information on any of these topics, contact your regulatory agency.

The 2005 FDA Food Code *Newly added, amended or redefined definitions*

“Asymptomatic” (New)

- (1) “Asymptomatic” means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.
- (2) “Asymptomatic” includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

“Balut” (New) means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation from hatching.

“Conditional employee” (New) means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

“Counter-mounted equipment” (Redefined) means equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.

“Eggs” (Amended)

- (1) “Egg” means the shell egg of avian species such as chicken, duck, goose, quinea, quail, ratites or turkey.
- (2) “Egg” does not include:
 - a. A balut;
 - b. The egg of reptile species such as alligator; or
 - c. An egg product

“Egg Products” (Amended)

- (1) “Egg Product” means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.
- (2) “Egg Product” does not include food which contains eggs only in a relatively small proportion such as cake mixes.

“Employee” (Amended) means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.

“Enterohemorrhagic *Escherichia coli*” (EHEC) (New) means *E. coli* which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with *E. coli* that have the capacity to produce Shiga toxins and to cause attaching and effacing lesions in the intestine. EHEC is a subset of STEC, whose members produce additional virulence factors. Infections with EHEC may be asymptomatic but are classically associated with bloody diarrhea (hemorrhagic colitis) and hemolytic uremic syndrome (HUS) or thrombotic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: *E. coli* 0157:H7; *E. coli* 0157:NM;

E. coli 026:H11; *E. coli* O145:NM; *E. coli* O103:H2; or *E. coli* 0111:NM. Also see Shiga toxin producing *E. coli*.

“Exclude” (Amended) means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee.

We’ll continue with discussing more of the changes next month.

This information is provided as a general guideline and is not intended to be, nor does it, constitute legal or regulatory advice. Additional Federal regulations may apply to your particular circumstances. State, regional and local laws, ordinances and regulations may also apply.